

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

INNER-TITE CORP.,
Plaintiff

v.

DEWALCH TECHNOLOGIES, INC.
Defendant.

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CASE NO. No. 04-40219 FDS

ASSENTED-TO MOTION TO IMPOUND

Pursuant to Local Rule 7.2 and the Confidentiality Agreement and Protective Order entered by the Court on June 17, 2005, defendant DeWalch Technologies, Inc. (“DeWalch”) requests that this Court impound the Declaration of Binz DeWalch, which will be filed on May 19, 2006, in support of defendant DeWalch’s motion for summary judgment.

As grounds for this motion, DeWalch states that this document contains confidential product information that will cause it commercial harm if disclosed. DeWalch requests this document remain under seal until sixty (60) days after the entry of final judgment in this case, at which time custody of the impounded documents shall be remitted to DeWalch’s counsel of record in this action.

Respectfully submitted,

DEWALCH TECHNOLOGIES, INC.
By its attorneys,

/s/ Denise W. DeFranco

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Dated: May 18, 2006

CERTIFICATION OF COUNSEL

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendant DeWalch Technologies, Inc. conferred with counsel for plaintiff Inner-Tite Corp., who assented to this motion.

/s/ Denise W. DeFranco

Denise W. DeFranco

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document has been served upon the attorney of record for the other party by hand on May 18, 2006.

Mr. Maurice E. Gauthier
Gauthier & Connors LLP
225 Franklin Street, Suite 3300
Boston, Massachusetts 02110

/s/ Denise W. DeFranco

Denise W. DeFranco

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CASE NO. No. 04-40219 FDS

[PROPOSED] ORDER TO IMPOUND

There having been filed a motion requesting impoundment of the Declaration of Binz DeWalch within the meaning of the Confidentiality Agreement and Protective Order among the parties, and it appearing that there is good cause to impound such Declaration of Binz DeWalch;

IT IS HEREBY ORDERED that the Declaration of Binz DeWalch, and all exhibits attached thereto, filed with the Court on May 19, 2006, shall be impounded until sixty (60) days after the entry of final judgment herein. Thereafter, the Declaration of Binz DeWalch, and all exhibits attached thereto, shall be returned to counsel for the party who filed it.

Dated: May____, 2006.
